

REMARKS

Claims 1-22 were previously pending in the subject application. The Examiner has withdrawn claims 11-18 from consideration as being drawn to a non-elected claim group. The Examiner has rejected claims 1-10 and 19-22. Applicant has amended claims 1-3, 6-9, and 19-22, and has cancelled claims 11-18, without prejudice or disclaimer of the subject matter contained therein. Applicant has also added new claim 23. Accordingly, claims 1-10 and 19-23 are now pending in the subject application. Support for the amendments can be found at, for example, original claim 8 and paragraph nos. 19, 30-31, and 34 of the subject application. No new matter has been added.

Election/Restrictions

The Examiner has required election between claims of Group I (claims 1-10 and 19-22) and claims of Group II (claims 11-18). Applicant hereby affirms the previous provisional election to prosecute the claims of Group I.

Claim Rejections

The Examiner has rejected claims 1, 3-10, and 19-22 under 35 U.S.C. §102(b) as being anticipated by TSUJIMURA (U.S. Patent No. 6,009,233), and has rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over TSUJIMURA in view of KANEKO (U.S. Publication No. 2004/0128701). In an effort to expedite the prosecution of the subject application, Applicant has amended certain of the claims to further distinguish over the cited references. Applicant has also amended certain of the claims for the purposes of clarification or consistency.

Claim 1 includes a number of features that are not shown or suggested by the cited references. For example, claim 1 recites, “*during subsequent playback* of said audio/video program,”: (1) “*selectively apply* said *first presentation setting* to said *first portion of* said *audio/video program*,” and (2) “*selectively apply* said *second presentation setting* to said *second portion of* said *audio/video program*.” The Examiner argues that TSUJIMURA teaches these features in connection with TSUJIMURA’s camera that operates using certain camera settings.

However, TSUJIMURA's use of the camera settings in no way shows or suggests selectively applying, during subsequent playback of an audio/video program, multiple presentation settings to respective portions of the audio/video program in the manner recited in claim 1. As made explicit in TSUJIMURA, the camera settings are the actual settings used to generate a video image. *See, e.g.*, Abstract ("A camera ... establishes various camera settings in preparation of imaging a video image, images the video image so as to produce a video signal, generates camera setting data which identifies the various camera settings (e.g., iris setting, shutter speed, white balance mode and focusing mode) that were established for imaging the video image") and col. 15, lines 27-30 ("As previously discussed with reference to FIGS. 1 and 2, the camera/video tape recorder of the present invention generates camera setting data which represent the various settings of the camera during imaging of a video image"). Since TSUJIMURA's camera settings were used to generate a video image, these settings are not again applied to the video image during its subsequent reproduction. The deficiencies of TSUJIMURA are not remedied by the teachings of KANEKO.

For at least these reasons, the cited references fail to show or suggest the subject matter that is defined by claim 1. Thus, claim 1 and its dependent claims 2-10 should be in a condition for allowance.

In addition, the cited references fail to show or suggest to: (1) "determine an intermediate presentation setting based on said first presentation setting and said second presentation setting," and, (2) "during subsequent playback of said audio/video program, selectively apply said intermediate presentation setting to an intermediate portion of said audio/video program positioned between said first portion of said audio/video program and said second portion of said audio/video program," as recited in claim 8.

The cited references also fail to show or suggest "interpolating said first presentation setting and said second presentation setting," as recited in claim 9.

Claims 19-23 include features similar to those discussed above in connection with claims 1 and 8-9. Therefore, claims 19-23 should also be in a condition for allowance.

Summary

In view of the foregoing amendments and remarks, it is respectfully submitted that the subject application is now in condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.


The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 50-1283.

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